

REMARKS**Pending Claims**

In this application, claims 1-3 and 4-19 are pending upon entry of the amendments above. Applicant has cancelled claim 4 and amended claim 1.

Rejection under 35 U.S.C. §102(e) and 103

The Examiner had rejected claims 1, 2, 4-8, 10-17 and 19 as being anticipated by Arndt (U.S. 6,134,476) and claims 3 and 18 as being obvious in light of Arndt in view of Berube et al (U.S. 6,245,062).

All claims depend directly or indirectly from claim 1. Applicant submits that claim 1 is patentably distinct over the cited art and therefore all of the claims should be allowable. Claim 1 recites two electrodes that are “disposed on the exterior of the probe”. Because both of these probes are located on the exterior of the probe, they can both be brought in simultaneous contact with tissue. It is through delivering current to both of these probes in contact with tissue that heat is generated that coagulates the adjacent tissue. Without the contact of both probes, this would not occur.

The Arndt patent describes a different technology in which a single wave attenuator 716 is disposed on the exterior of the probe. This attenuator performs the function of “reduc[ing] microwave current flowing back along the outside surface of the catheter Reducing surface current is necessary to avoid undesirable heating in the arteries.” (Col. 13., lines 36-43.) Thus, Arndt teaches away from supplying two exterior electrodes that generate heat in the tissue. Accordingly, claim 1, and all claims depending therefrom, are patentably distinct from Arndt or any combination of references based on Arndt.

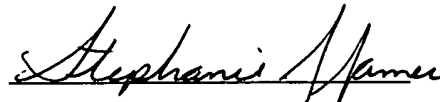
Claim 1 further distinguishes the prior art in its recitation of a “connection between the inner conductor and to the hand portion and the probe tip in such a way that the inner conductor is under a tensile stress and the outer conductor is under a compression stress”. No such structure is shown or suggested in the cited art.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Respectfully submitted,
EISENFÜHR, SPEISER & PARTNER
By its attorneys:

Date: 10/16/06

A handwritten signature in cursive script, appearing to read "Stephanie James", written over a horizontal line.

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